December 8th, 2009

City of Kenmore Council Meeting - December 7th, 2009

Response to Public Hearing Testimony on Revisions to KMC 13.35 *Surface Water Runoff Policy* and Adoption of 2009 King County Surface Water Manual

City Council Questions:

Q1. Deputy Mayor Milton Curtis – I understand that the pre-development modeling standard is a forested condition. What if the property wasn't forest to begin with?

A1. Historic site conditions are defined as follows: "those conditions which existed on the site prior to any development in the Puget Sound Area. For lands not currently submerged (ie. outside the ordinary high water mark of a lake, wetland, or stream), "historic site conditions" shall be assumed to be forest cover unless reasonable, historic, site-specific information is provided to demonstrate a different vegetation cover." If the applicant's engineer can demonstrate that the site in question was not forested at one time, based on historic, site-specific information, then the forested pre-developed condition would not apply to the site. However, most of the Puget Sound area was forested at one time, so the forested condition is considered to be the default historic site condition for runoff modeling purposes.

Q2. Councilmember Laurie Sperry – Do these flow control requirements apply to properties along Kenmore shorelines?

A2. It depends. Parcels adjacent to "major receiving waters" in Kenmore such as Lake Washington and the Sammamish River* may qualify for direct discharge of their surface water runoff (ie. exemption from flow control). To qualify for direct discharge to Lake Washington or the Sammamish River, the applicant's engineer must demonstrate that the man-made pipe conveyance system downstream of the property can adequately carry the excess flows from the site and that it would not be contributing to any known flooding or erosion issues downstream. The direct discharge exemption and conditions are described in the 2009 King County Surface Water Design Manual under Section 1.2.3.1. Creeks and streams in Kenmore such as Stream 0056, Stream 0057 and Swamp Creek do not qualify as major receiving waters. As such, projects that discharge to these water bodies would be required to provide flow control when new or replaced impervious surface thresholds are triggered to do so. (*Under the new manual, projects discharging directly to the Sammamish River must infiltrate runoff to the extent feasible before discharging to the River.)

Q3. Deputy Mayor Milton Curtis – Is this code revision part of the comprehensive plan amendment?

A3. No, the revisions to KMC Chapter 13.35 are amendments to development regulations and do not require an amendment to the comprehensive plan.

Citizen Testimony:

Dennis Mendry – Address: 6410 NE 182nd Street, Kenmore, WA

Q4. I assume that there will be some modifications to the requirements if the developer elects to use LID measures (such as green roofs, rain gardens, pervious pavements)?

A4. With the adoption of the new 2009 surface water management manual, developers will be required to incorporate some flow control best management practices, ie. Low Impact Development (LID) measures, into their project to manage surface water runoff. The developer would receive runoff modeling credits if they opted to use more LID type measures to meet the surface water runoff requirements, which would reduce the size of their required storm water facility. Typically, however, it is extremely difficult to satisfy the discharge limits thru LID use only.

LID modeling credits are described in the 2009 King County Surface Water Design Manual in Table 5.2.2.A. Essentially, when a developer is determining the size of a facility that is required for a project, the developed area using LID may be modeled as something other than 100% impervious. For example, an area using permeable pavement would be modeled as 50% grass and 50% impervious instead of 100% impervious. This would result in less runoff, hence, a smaller facility.

Q5. Follow up question from Mayor Baker: Residential lots will have a number of different alternatives besides a rain garden to achieve the same goal, correct?

A5. Yes, there is a list of flow control best management practices (BMP) that residential lots can implement to satisfy the new storm water regulations. Typically you work your way down the list, the top of the list being the most effective measure, and choose the first BMP that is feasible for use on your site. The flow control BMP list, from top to bottom, consists of Full Dispersion, Full Infiltration, Limited Infiltration, Basic Dispersion, Rain Garden, Permeable Pavement, Rainwater Harvesting, Vegetated Roof, etc.

Elizabeth Mooney – Address: 5934 NE 201st Street, Kenmore WA

General Statement: Supports cross-jurisdictional watershed control of surface water runoff. Highly recommends the adoption of the new 2009 surface water design manual to show other jurisdictions that Kenmore is being proactive in managing surface water. Thinks that public education and promoting LID use and implementation is important and could even be used to boost the local economy. Recommends that City Council unanimously adopt the new surface water management regulations.